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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91208255
Party	Plaintiff Beckham Brand Limited and David Beckham
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Date	02/15/2013
Attachments	14852622_1.pdf (3 pages)(22863 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Beckham Brand Limited and David Beckham

Opposers,

v.

Cassady Closeouts LLC,

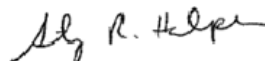
Applicant.

Opposition No. 91208255

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Patent and Trademark Office, Trademark Trial and Appeal Board via electronic filing through their website located at <http://estta.uspto.gov/> on:

February 15, 2013

(Date)



Stacey R. Halpern

OPPOSITION TO APPLICANT'S MOTION TO EXTEND TIME TO ANSWER

Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Beckham Brand Limited and David Beckham (collectively "Opposers") hereby oppose Cassady Closeouts LLC's ("Applicant") Motion to Extend Time Under T.M.B.P. §316.03, 509 To Answer Notice of Opposition ("Applicant's February 8, 2013 Motion"), which was filed **without** Opposers' consent and which was not properly served on Opposers' counsel.

Opposers note that they first contacted Applicant's counsel on June 18, 2012 regarding Applicant's use and registration of the mark shown in Application No. 85/090691. On June 29, 2012, Applicant's counsel acknowledged the June 18, 2012 correspondence. Nonetheless, from June 28, 2012 until January 16, 2013, Applicant and its counsel failed to provide Opposers with a substantive response to the June 18, 2012 correspondence. During this period of significant delay, Opposers were required to spend valuable time and resources, including, but not limited to preparing and filing a Notice of Opposition.

On January 9, 2013 (seven (7) months after Opposers first contacted Applicant's counsel), Applicant's counsel telephoned Opposers' counsel and advised her that due to a death in the family, Applicant needed additional time to respond to the Notice of Opposition and Opposers' letter of June 18, 2012. At that time, Opposers' counsel advised Applicant's counsel that Opposers would consent to a final 30 day extension, but that Applicant needed to provide a substantive response to the June 18, 2012 letter on or before January 16, 2013. Thereafter, on January 9, 2013, Applicant's counsel filed a Request for an Extension of Time to Answer.

Opposers note that the January 9, 2013 Motion was served via electronic mail despite the fact that Opposers **had not** consented to service via electronic mail. Moreover, upon receipt of the electronic service copy, Opposers' counsel informed Applicant's counsel that it **had not** consented to electronic service. On January 18, 2013 (after the agreed upon deadline), Applicant finally responded to Opposers' June 18, 2012 letter.

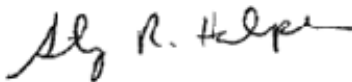
Thereafter, shortly before the February 8, 2013 deadline for answering the Notice of Opposition, Applicant's counsel requested another extension. However, Opposer's counsel **did not** provide consent to this extension. Nonetheless, on February 8, 2013, Applicant filed Applicant's February 8, 2013 Motion. As Opposers did not consent to Applicant's Motion and as Applicant's extensive delays have cause Opposers to waste valuable time, money and resources, Opposers request that Applicant's February 8, 2013 Motion be denied.

Opposers notes that, in addition to failing to obtain Opposers' consent, Applicant's February 8, 2013 Motion also fails to provide any grounds, much less good cause, for the extension. Further, Opposers' counsel notes that, once again, Applicant has disregarded the applicable rules and "attempted" to service Opposers' counsel via electronic mail. As discussed above, in response to Applicant's January 9, 2013 filing, Opposers' counsel specifically advised Applicant's counsel that Opposers **had not** consented to service via electronic mail and **was not** consenting to service via electronic mail. Accordingly, Applicant has once again failed to properly served Opposers' counsel.

In light of the foregoing, Opposers respectfully request that the Trademark Trial and Appeal Board (the "Board") deny Applicant's February 8, 2013 Motion, and issue an order deeming Applicant in default for failing to timely filing an Answer, and compel Applicant to comply with all the Board's rules, including, but not limited to, rules regarding service for all filings.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP



Dated: February 15, 2013

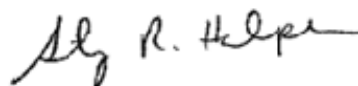
By: _____

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CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **OPPOSITION TO APPLICANT'S MOTION TO EXTEND TIME TO ANSWER** upon Applicant's counsel by depositing one copy thereof in the United States Mail, first-class postage prepaid, on February 15, 2013, addressed as follows:

Randall Frisk
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